

JUL 10 2006

**Response to Arguments  
Claim Rejections – 35 USC 112**

**I. Claims 3 & 4 under 35 U.S.C 112 vs. MPEP 608.01(a)**

“Claims 3 and 4 have been rejected under 35 U.S.C. 112 first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected to make and/or use the invention.” (Page 2 OAS – Jan 10, 2006)

This rejection is invalid, as per MPEP 608.01(a) which clearly states:

“Where elements or groups of elements, compounds, and processes, which are conventional and generally widely known in the filed of the invention described, and their exact nature or type is not necessary for an understanding and use of the invention by a person skilled in the art, they should not be described in detail.” (Applicant submitted Dec 21, 2005 Remarks, page 1)

Furthermore the section clearly states:

“The description should be as short and specific as is necessary to describe the invention adequately and accurately.” (Applicant submitted Dec 21, 2005 Remarks, page 1)

The said invention falls more so under MPEP 608.01 (a) than U.S.C. 112 in regards to wide availability of individual components into said proposed invention. I will break them into three components: (A) Time Stamp Machines, (B) GPS Receivers, (C) Portable PC/PDA's. Time stamp machines have enjoyed wide popular use for decades, and GPS Stamp assisted navigation have likewise been a treasured commodity for the sport enthusiast, geographical surveyor, photographer, or consumer. To date however, the two have yet to be combined into a single unique and valuable product as described in 09/879,884. It was the original admission of applicant to make use of existing technologies to deliver a stamp machine that is able to document time as well as geo-spatial locations.

For instance, take component B. Compact Flash GPS is a widely used consumer product that features a plug and play level of ease. The consumer needs just insert it into the flash slot on any PDA, Blueberry, Cell Phone or any other number of portable computing devices to make use of the GPS locating technology. Its that simple. These are highly compact, highly accurate WAAS enabled products. The product vendors for such products include Trimble, Navionics, Pharos Pocket GPS Portable Navigator.

Component A includes a wide array of time stamp machines, such as the Acroprint, Lantham, Rapidprint, Widmer Time Stamp machines which are industry-wide standards to a host of emerging USB Based Time Stamp Machines designed to directly be plugged into a PC or PDA.

The proposal is for a unique patent that marries A- Stamp Machine to B - GPS Receiver via a C- Hand held PDA or PC intermediary and hence falls under MPEP 608.01(a)

where: "The description should be as short and specific as is necessary to describe the invention adequately and accurately." Please note: "Where elements or groups of elements, compounds, and processes, which are conventional and generally widely known in the filed of the invention described, and their exact nature or type is not necessary for an understanding and use of the invention by a person skilled in the art, they should not be described in detail." The patent proposal is nothing more than a combination of A and B with C in a unique and valuable manner to yield product ABC. The re-claim and vivid description of already stated individual components of the ABC product as an invention is redundant, unnecessary and avidly sanctioned by the USPTO. The review of this design patent needs take focus away from a final product to a design patent where established technology is rewired in a unique manner, to provide a valuable and unique product that to date, some five years after application of 09/879,884 still remains absent. The USPTO is looking for a final and specific product in lieu of unique connection of established products in a unique and valuable manner, which this claim has always been.

Clearly, "a skilled artisan" is NOT required "to make and use the instant invention", and thus claims of rejection under 35 USC 112 are totally invalid.

II. "Claims 1-4 are rejected as failing to define the invention in the manner required by 35 U.S.C. 112. Second paragraph." (Page 2 OAS – Jan 10, 2006)

"The following is a quotation of the second paragraph of 35 U.S. C. 112: 'The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.' " (Page 2 OAS – Jan 10, 2006)

#### **Applicant Response to rejection of claims under 35 USC 112, 2<sup>nd</sup> paragraph**

##### **Amendments to Claims:**

1. The methods described would enable assignment of a permanently unique code based on precise time and highly specific Global Positioning System signal that may be further enhanced by use of Local Positioning System enrichment of a GPS signal, leading to a unique fingerprint composed of position and time data that is affixed to description of the product whose fingerprint is thusly taken.
2. Provide users with a means by which they are able to assign a permanently unique code in a simple, effective, efficient manner that is entered into a database printed on the product of interest via digitization or alphanumeric symbols.
3. The time and location specific data that was entered (GPS3M encoding) would be used to cross reference and pull up the description of the product of interest.
4. The time and location specific data that was entered (GPS3M encoding) may be used as a common and natural language used by computers and people that is based on highly specific coordinates of time and geographical location.

### III. Meaning/disclosure of "GPS3M encoding" in Claim 3

"In regards to claim 3, claimed limitation GPS3M encoding is not enabling because the specification does not disclose GPS3M encoding such that a skilled artisan would be able to make and use the instant invention." (Page 2 OAS – Jan 10, 2006)

#### **Applicant Response to "GPS3M encoding"**

Where and when a products coordinates of location and time have been entered into a database based on highly accurate timing device and location device, the term GPS3M Encoding is used to indicate database entry of product along with its specific coordinates in time and space. At a later time these highly specific coordinates of time and space are used for retrieval of product information from the database. GPS3M Encoding, thus, refers to a unique fingerprint assigned based on unique position of a product at a particular time.

### **Claim Rejections – 35 U.S.C. 102**

#### IV. Rejection of Claims 1 and 2 under 35 U.S.C. 102(b)

"Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Woo et al. (US 5,642,285)." (Page 4 OAS – Jan 10, 2006)

"Woo teaches: Assignment of a permanently unique code based on refinement of a Global Positioning System signal to centimeter or sub-centimeter accuracy by use of a GPS or Relative Positioning System (column 5, lines 18-23; column 6, lines 15-16; figure 2, element 20, 40, and 70) in regards to claim 1.

Woo very clearly states under Field of the Invention: "The invention relates generally to special effects film-making and more specifically to equipment and methods for tagging a movie camera's position, as determined by a global positioning system (GPS) navigation receiver, with time codes in a data-logger for special effects editing." The Woo invention is clearly designed specifically for film and special effects photography, whereas the proposed 09/879,884 claim is to labeling and tracking of real products by registering a unique fingerprint based on its position at a particular time at a particular position. Nowhere in the entire presentation of US 5,642,285 does the Woo system in any way express interest in any such documentation. USPTO rejection of applicant claims 1 and 2 under 35 U.S.C. 102(b) are poorly supported in light of the claims made by Woo. Woo very clearly states in the Summary of the Present Invention that it is "an object of the present invention to provide a system for recording the position of a film-making device in a database with a frame-by-frame time code." "It is another object of the present invention to provide a system for special effect production using large outdoor objects in the scenes." Woo makes generous claims to specialized and trick photography. 09/8789,884 never makes any such claims, hence any rejection of claims under 35 U.S.C. 102(b) are weak and unfounded.

### **Patentable Novelty**

#### **37 CFR 1.111 c**

Data collection and retrieval has long been a valuable interest that throughout history has made strides of increasing efficiency. The value of GPS3M encoding as described is that it enables everything to have a unique fingerprint that at a later time may be subsequently be tracked through use of a simple system that takes advantage of unique coordinates of location and time that are inherent to all cultures and computers alike. The novelty and usefulness of the patent are as clear and overt as uniqueness of fingerprints and attempts to input and retrieve corresponding information. There is no system in existence that makes this claim. The patentable novelty of this truly unique and valuable invention is undeniable.

### **Response/Argument to Claim Rejection**

The value of the likes of GPS3M technology today is already a reality for photography using the likes of Ricoh's Compact Flash GPS (WAAS Enabled) and GPS-Photo Link Trupulse 200 system. All very elegantly stated via references and power point presentations. (<http://www.geospatialexperts.com>)

### **Applicant Response to Notice of References Cited**

The listed US-6,525,768 and US-6,903,681 are never mentioned anywhere else in the OAS than the reference page alone.

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**REQUEST FOR CONTINUED EXAMINATION  
TRANSMITTAL**

**July 10, 2006**

**TO: USPTO  
FAX NO. (703) 872 - 9306**

**Application Number: 09/879,884  
Art Unit: 2863  
Filing Date: June 14, 2001  
First Named Inventor: Ahmad Rezai  
Examiner Name: Douglas N. Washburn  
6 total Pages**

QuickTime™ and a  
TIFF (LZW) decompressor  
are needed to see this picture.